

FACTSHEET
CANDIDATE FILING PROCESS
2004 ELECTIONS

PURPOSE

The Candidate Filing Process enables qualified individuals to have their names appear on the Primary Election ballot or Special Election ballot. Candidates may run as nonpartisan or as members of the following political parties:

Democratic	Hawaii Green	Libertarian
Natural Law	Republican	

QUALIFICATIONS FOR OFFICE

Qualifications vary according to the elective office sought. Four qualifications apply to all offices. Each candidate must:

1. be a citizen of the United States;
2. be at least eighteen years of age;
3. be a resident and registered voter of the State of Hawaii; and
4. have received final discharge for any felony conviction.

RESIDENCY REQUIREMENTS

- State elective offices: A candidate running for state elective office with a district residency requirement must reside in and be a qualified voter of the district from which he/she seeks election.
- City/County elective offices: Candidates running for City/County offices should check their respective charters for county-specific district residency requirements.

NOMINATION PAPERS

All candidates for elective office must file nomination papers in order to appear (be listed) on the State of Hawaii's ballot [Hawaii Revised Statutes (HRS) Section 12-3].
Nomination papers are available at the following offices after the first working day in February of the election year:

SIGNATURE REQUIREMENT

Prior to being filed, nomination papers must be signed by a specified number of properly registered voters who are qualified to vote for the candidate in the upcoming election. The candidate is responsible to ensure that there are sufficient signatures of qualified voters on his/her nomination papers. Nomination papers that do not contain sufficient valid signatories will not be accepted for filing.

To be valid, each signatory:

- must live and be properly registered to vote in the district from which the candidate seeks election;
- may sign nomination papers for only one candidate for a particular elective office if there is only one seat available; and

NOTE: If more than one seat is available for election, a signatory may sign as many nomination papers as there are available seats.

- must include his/her social security number, date of birth, and residence address to aid in the verification process. Mailing addresses will not be accepted.

The number of required signatures varies according to the office sought. It ranges from 15 to 25 depending on the office.

Candidates are advised to file their nomination papers early and to obtain more signatures than required in anticipation of invalid or unqualified signatories. Once nomination papers are filed and the filing fee is accepted, candidates will not be allowed to add more signatures to their nomination papers.

FILING OF NOMINATION PAPERS

Candidates must file nomination papers at the office of issuance. The deadline to file nomination papers is:

- **TUESDAY, JULY 20, 2004, 4:30 p.m.**

Candidates are advised to file their nomination papers early. State law prohibits exceptions or extension to the filing deadlines.

When candidates file nomination papers, candidates must also do the following:

- Certification by all candidates: Each partisan candidate must certify, by self-subscribing oath, that:
 - 1) the candidate will qualify under the law for that office;
 - 2) the candidate has determined that all of the information on the candidate's nomination papers, except for that provided by the voters who signed the candidate's nomination papers, is true and correct; and
 - 3) the candidate is in compliance with Section 831-2, HRS, (has received final discharge for any felony conviction).
- Certification by partisan candidates: Each partisan candidate is required to certify, by self-subscribing oath, that the candidate is a member of a qualified political party in Hawaii. Candidates who are not members of the political party may be challenged and disqualified on that basis.
- Oath of loyalty/affirmation: All candidates are required to take and subscribe to a prescribed written oath of loyalty or affirmation statement before a notary public or a public officer authorized by law to administer oaths. The oath or affirmation statement is on the nomination papers and may be completed before or at the time of filing (HRS Section 12-7). Candidates must provide the notary public with an identification card containing the person's picture and signature (i.e., driver license or state i.d.) when the oath or affirmation is subscribed to before the notary public.

RESIGNATION FROM OFFICE

Certain elected state or county public officials must resign from the office currently held before being eligible as a candidate for another state or county elective office. This applies only if the term of the office presently held is not normally scheduled for election in the same year as the office sought. The candidate must resign from office before filing his/her nomination papers and must certify, by self-subscribing oath, that he/she has complied with Hawaii State Constitution, Article II, Section 7.

FILING FEE

The filing fee, which varies with the office sought, must be paid by cash, money order, or certified/cashier's check. Personal or campaign checks are not accepted.

- Discounted Filing Fee: Candidates for state and county offices who agree to abide by the State's voluntary campaign spending expenditure limits may receive discounted filing fees. Candidates will receive the discounted fee **after** filing the "Affidavit of Compliance with Campaign Expenditure Limits" with the Campaign Spending Commission on Oahu or with the Offices of the County Clerk on the neighbor islands (HRS Section 11-208).

Affidavits in compliance with the voluntary expenditure limits must be filed by the time of filing of nomination papers with the chief election officer or county clerk.

- Candidates Who Agree to Comply With and Exceed the Expenditure Limits: Candidates who agree to the expenditure limits and who exceed the respective expenditure limits must pay the full filing fee and notify the chief election officer, all contributors and opponents, and the Campaign Spending Commission that the expenditure limitations are exceeded.
- Candidates Who Are Indigent: Candidates who declare themselves indigent via affidavit may have the filing fee waived. The declaration must be accompanied by a petition signed by currently registered voters who constitute at least one-half of one percent (½%) of the total voters registered at the last preceding General Election in the district from which the indigent person seeks election (HRS Section 12-6). Indigent candidates must file nomination papers and comply with other filing requirements.

CANDIDATE NAME ON BALLOT

Each candidate **must** designate the name that he/she wishes to appear on the ballot, including Hawaiian and/or English equivalents or nicknames, at the time of filing. Each candidate is allowed a maximum of 27 typed spaces on the ballot for his/her name. The 27 spaces include all letters, spaces, and punctuation marks. Titles are not permitted as part of a candidate's ballot name. All candidates' names will be in the format prescribed by the Office of Elections to ensure consistency and equality.

Candidates verify and confirm the correct spelling of their ballot name at the time of filing. Once nomination papers are filed, no changes to the designated ballot names are allowed except for changes made by the Office of Elections to ensure consistency and equality.

WITHDRAWAL OF CANDIDACY

Candidates who have filed nomination papers may withdraw their candidacy:

- For any reason: Candidates may withdraw for any reason not later than the day immediately following the deadline to file nomination papers. To withdraw, the candidate must submit a written notice to the Chief Election Officer (for state and federal office candidacy) or to the appropriate City/County Clerk (for county office candidacy). (HRS Section 11-117).
- For reasons of ill health: Candidates may withdraw for reasons of ill health not later than the twentieth day prior to the election. To withdraw, the candidate must submit a written notice accompanied by a statement from a licensed physician indicating that such ill health may endanger the candidate's life (HRS Section 11-117).

CHALLENGE OF NOMINATION PAPERS

Objection or challenge of a candidate may be made by a registered voter, an officer of a political party, the Chief Election Officer, or the City/County Clerk in the case of county elections. Except for objections filed by an officer of a political party, all objections or challenges must be in writing and received by the Chief Election Officer or the appropriate City/County Clerk by 4:30 p.m. on the thirtieth day prior to the election or the next earliest working day if that day is a Saturday, Sunday, or holiday. Objections filed by an officer of a political party must be filed with the Clerk of the Circuit Court by the thirtieth day prior to the election or the next earliest working day if that day is a Saturday, Sunday, or holiday.

Candidates will be notified of any challenge by registered or certified mail. See HRS Section 12-8 for more specific information on challenges, evidentiary hearings, and decisions (HRS Section 12-8).

OTHER REQUIREMENTS

In addition to nomination papers, candidates are required to file campaign spending reports with the Campaign Spending Commission and financial disclosure reports with the State Ethics Commission or the County Board of Ethics.

This Fact Sheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and candidate deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.

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Office of Elections - FSBO112F
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